

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUIS TORRES, individually and on behalf of all )  
others similarly situated, )

Plaintiff, )

v. )

MICROSOFT CORPORATION, a Washington )  
corporation, )

Defendant. )

No. C07-1121 JCC

STIPULATED ORDER  
GRANTING PLAINTIFFS' JOINT  
MOTION TO CONSOLIDATE  
RELATED CASES; APPOINT  
INTERIM CLASS COUNSEL;  
APPROVE PROPOSED  
LEADERSHIP STRUCTURE;  
AND SCHEDULE  
CONSOLIDATED COMPLAINT

STEVE CARLIE, individually and on behalf of )  
all others similarly situated, )

Plaintiff, )

v. )

MICROSOFT CORPORATION, a Washington )  
corporation, )

Defendant. )

No. C07-1132 JCC

STIPULATED ORDER GRANTING PLAINTIFFS' JOINT MOTION  
TO CONSOLIDATE; APPOINT INTERIM CLASS COUNSEL;  
APPROVE PROPOSED LEADERSHIP STRUCTURE - 1  
No. C07-1121JCC, No. C07-1132JCC, No. C07-1270JCC,  
No. C07-1271JCC, No. C07-1295JCC

CHRISTINE MOSKOWITZ and DAVID  
WOOD, individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington  
corporation,

Defendant.

No. C07-1270 JCC

HEIDI LING, as parent and natural guardian of  
ROBERT LING, III, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington  
corporation,

Defendant.

No. C07-1271 JCC

JUSTIN HANSON, individually and on behalf of  
all others similarly situated,

Plaintiff,

v.

MICROSOFT CORPORATION, a Washington  
corporation,

Defendant.

No. C07-1295 JCC

THIS MATTER comes before the Court on joint motions in five related putative class  
action lawsuits (the “Actions”) presenting pending before the Court:

STIPULATED ORDER GRANTING PLAINTIFFS’ JOINT MOTION  
TO CONSOLIDATE; APPOINT INTERIM CLASS COUNSEL;  
APPROVE PROPOSED LEADERSHIP STRUCTURE - 2  
No. C07-1121JCC, No. C07-1132JCC, No. C07-1270JCC,  
No. C07-1271JCC, No. C07-1295JCC

1	Torres v. Microsoft Corp.	07-CV-1121	7/18/2007	Dkt. No. 11
2	Carlie v. Microsoft Corp.	07-CV-1132	7/19/2007	Dkt. No. 11
3	Moskowitz v. Microsoft Corp.	07-CV-1270	8/14/2007	Dkt. No. 3
4	Ling v. Microsoft Corp.	07-CV-1271	8/14/2007	Dkt No. 2
5	Hanson v. Microsoft Corp.	07-CV-1295	08/20/2007	Dkt. No. 2

6  
7 Plaintiffs in all five of these putative class action lawsuits seek to represent substantially the  
8 same proposed class of people for essentially the same claims. The five putative class action  
9 lawsuits are based on similar factual allegations and are asserted against the same defendant,  
10 Microsoft Corporation. Through the present motion, the plaintiffs in these actions, Luis Torres,  
11 Steve Carlie, Christine Moskowitz, David Wood, Heidi Ling, and Justin Hanson (collectively,  
12 “Plaintiffs”), jointly seek to have their separate actions consolidated pursuant to Rule 42(a) of the  
13 Federal Rules of Civil Procedure. The Court has reviewed the files and records herein and  
14 GRANTS the motions as follows.

15 IT IS ORDERED, ADJUDGED AND DECREED that

16 (1) Torres v. Microsoft Corporation, 07-cv-1121-JCC, is designated as the lead case.  
17 The five causes of action listed above are hereby consolidated for all purposes pursuant to  
18 Federal Rules of Civil Procedure, Rule 42(a) under United States District Court Western District  
19 of Washington at Seattle Master Cause No. 07-cv-1121-JCC. Every pleading filed in the  
20 consolidated action shall bear the following caption:

21 **IN RE MICROSOFT XBOX 360  
SCRATCHED DISC LITIGATION**

**Master Cause No.  
07-cv-1121-JCC**

22 The files of these consolidated actions shall be maintained in one file under the Master Cause  
23 No. 07-cv-1121-JCC. In the event that any party wishes to file a pleading that relates only to

24 STIPULATED ORDER GRANTING PLAINTIFFS’ JOINT MOTION  
TO CONSOLIDATE; APPOINT INTERIM CLASS COUNSEL;  
APPROVE PROPOSED LEADERSHIP STRUCTURE - 3  
No. C07-1121JCC, No. C07-1132JCC, No. C07-1270JCC,  
No. C07-1271JCC, No. C07-1295JCC

fewer than all of the consolidated actions, the filing shall be designated, with the following subcaption:

**IN RE MICROSOFT XBOX 360  
SCRATCHED DISC LITIGATION**

**Master Cause No.  
07-cv-1121-JCC**

This Document Relates To: [Name of Plaintiff]

Unless so designated, any filing in this action will be deemed to relate to all actions consolidated under the Master Cause No. 07-cv-1121-JCC.

(2) Without prejudging the propriety of class certification, the Court hereby appoints the following firms as interim class counsel pursuant to Federal Rules of Civil Procedure, Rule 23(g)(2):

- (a) Stritmatter Kessler Whelan Coluccio;
- (b) Chitwood, Harley, Haynes LLP
- (c) Wasserman, Comden & Casselman, LLP;
- (d) Keller Rohrback L.L.P.;
- (e) Kabateck Brown Kellner LLP;
- (f) The Hodkin Kopelowitz Ostrow Firm, PA; and
- (g) Krause Kalfayan Benink & Slavens, LLP.

(3) The leadership structure proposed by Plaintiffs is hereby approved as follows:

Plaintiffs' Liaison Counsel

Stritmatter Kessler Whelan Coluccio;

Co-Lead Plaintiffs' Counsel

Chitwood Harley Harnes, LLP; and

The Hodkin Kopelowitz Ostrow Firm, P.A.;

Executive Committee -

Stritmatter Kessler Whelan Coluccio;

Chitwood Harley Harnes, LLP;

The Hodkin Kopelowitz Ostrow Firm, P.A.;

Kabateck Brown Kellner, LLP;

Keller Rohrback L.L.P.;

Krause Kalfayan Benink and Slavens, LLP; and

Wasserman Comden & Casselman, LLC.

(4) Plaintiffs' Liaison Counsel shall be responsible for communications with Defendant's counsel, so that Defendant's counsel's communications to Plaintiffs' Liaison Counsel shall be deemed for all purposes as having been conveyed to all Plaintiffs' counsel listed in this Order.

(5) Any subsequently filed complaints asserting similar claims shall be consolidated herewith for all purposes and subject to this Order.

(6) Plaintiffs' Consolidated Complaint shall be filed and served no later than fourteen (14) days from the date the Court enters this Order.

(7) Defendant's response to Plaintiffs' Consolidated Complaint shall be filed no later than thirty (30) days after the filing and service of Plaintiffs' Consolidated Complaint.

DATED THIS 9th day of October, 2007.

A handwritten signature in black ink, appearing to read "John C. Coughenour", written over a horizontal line.

Hon. John C. Coughenour  
United States District Judge

STIPULATED ORDER GRANTING PLAINTIFFS' JOINT MOTION  
TO CONSOLIDATE; APPOINT INTERIM CLASS COUNSEL;  
APPROVE PROPOSED LEADERSHIP STRUCTURE - 5  
No. C07-1121JCC, No. C07-1132JCC, No. C07-1270JCC,  
No. C07-1271JCC, No. C07-1295JCC